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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/477,034	12/31/1999	LANCE W. DOVER	042390.P6115	8629

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EXAMINER

SURYAWANSHI, SURESH

ART UNIT

PAPER NUMBER

2185

DATE MAILED: 05/14/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	S
	09/477,034	DOVER ET AL.	
	Examiner	Art Unit	
	Suresh K Suryawanshi	2185	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 April 2003 amendment.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 31-47 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 31-47 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Disposition of Claims

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 31 December 1999 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 31-40 are presented for examination.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 31-47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims 31, 38 and 44 contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Examiner does not find the supporting Figs. 5a-5e and 7 as stated in the amendment dated 4/8/03 and there is no supporting text for these figures. It will require undo experimentation for one of ordinary skill in the art to make and/or use the claimed invention.

Similarly, claims 32-37, 39-43 and 45-47 are rejected for incorporating all the defects of the independent claims from which they depend.

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4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 38 and 44 recites the limitation "said series of received signals" in 2<sup>nd</sup> and 4<sup>th</sup> paragraphs. There is insufficient antecedent basis for this limitation in the claim.

*Specification*

6. Claim 37 is objected to because of the following informalities: claim does not have an ending period. Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 31-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Lippmann et al (US Patent no 4,947,410<sup>1</sup>).

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<sup>1</sup> Reference cited by applicant in paper no 6

9. As per claims 31, 38 and 44, Lippmann et al teach

receiving a series of signals [col. 2, lines 24-55; input events];

changing a selected bit from a first state to a second state upon receipt of each signal in said series of signals, wherein the selected bit begins with a least significant bit and continues through increasingly more significant bits with each subsequent one of said received signals, until a predetermined number of the selected bits have been [col. 2, lines 24-55; changing the first state to a second state in serial fashion in response to input events];

returning the selected bits to the first state [col. 2, lines 24-55; present number of memory locations have been set to the first state];

changing the selected bit from the first state to the second state upon receipt of each further signal in said series of signals, wherein the selected bit begins with a second least significant bit and continues through increasingly more significant bits with each subsequent one of said received signals, until the predetermined number of bits have been changed to the second state [col. 2, lines 24-55; inherent in the system as the system is designed to count for an odometer].

10. As per claim 32, Lippmann et al teach

returning the selected bits to the first state [col. 2, lines 24-55; present number of memory locations have been set to the first state];

changing the selected bit from the first state to the second state upon receipt of each further signal in said series of signals, wherein the selected bit begins with a third least significant bit and continues through increasingly more significant bits with each subsequent one of said received signals, until the predetermined number of bits have been changed to the second state [col. 2, lines 24-55; inherent in the system as the system is designed to count for an odometer].

11. As per claims 33, 39 and 45, Lippmann et al teach that indicating in non-volatile storage comprises indicating in a non-volatile memory [col. 2, lines 39-41; nonvolatile memory].

12. As per claims 34, 40 and 46, Lippmann et al teach that indicating in the non-volatile memory comprises indicating in a flash memory [inherent as a flash memory is one type of non-volatile memory].

13. As per claims 35, 43 and 47, Lippmann et al teach that indicating in the non-volatile storage comprises indicating in a non-volatile register [inherent as a register in one type of non-volatile memory].

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14. As per claim 36 and 42, Lippmann et al teach that predetermined number is ten [inherent in the system as the system is designed to count for an odometer].
  
15. As per claims 37 and 41, Lippmann et al teach that returning to the first state comprises erasing [inherent in the system as the system is designed to count for an odometer].

*Conclusion*

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE

ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suresh K Suryawanshi whose telephone number is 703-305-3990. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 703-305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

sk  
May 7, 2003



THOMAS LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100